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LIBERTY COALITION CONDEMNS BACKROOM DEAL TO EXPAND USA PATRIOT ACT

(Washington, DC), Nov. 17 – The Liberty Coalition, a transpartisan organization of activists from across the political spectrum, condemned the draft version of the bicameral Conference report of the “USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005” leaked late Wednesday.

“If Congress takes their oath to the Constitution seriously, then they will have to do the right thing and reject the final Patriot Act Conference Report as it is now constituted,” said Michael D. Ostrolenk, National Director of the Liberty Coalition.

After the Senate passed a version of PATRIOT reauthorization that included modest steps to curb some of the most heinous aspects, Liberty Coalition and its partner organizations were cautiously optimistic that the final product may leave Americans’ liberties in slightly better shape than they were going in.

But a last-minute backroom deal in the Congress scuttled all that and will mean innocent Americans will face even more surveillance in their every day lives. Especially disconcerting in the final report was Congress’ failure to abolish or severely reform use of National Security Letters (NSLs). NSLs are instruments issued by the FBI without judicial oversight to seize sensitive financial and other records from businesses. A federal judge has ruled the power so broad as to be unconstitutional under the Fourth Amendment, and a recent report in the Washington Post revealed that 30,000 of these letters are issued by FBI agents every year. “Doing something to curb abuse of NSLs should have been a no-brainer,” said LC Policy Director James Plummer.

But the NSL provision stands, as does a similar provision, Section 215, which allows for searches of business records, including those of libraries and bookstores, without anything approaching a strict relevance standard tying the target to terrorism. There has been no way for targeted businesses to challenge these searches, which is something addressed in the bill, but experts at the American Civil Liberties Union, an LC partner, have called the new legal challenge provisions, “illusory,” they are so thin.

Plummer added that the decision to add legislation called the “Combat Meth Act” to PATRIOT was outrageous as well. “Under this bill, innocent Americans trying to buy cold medicine will have to show ID and sign a log book. This has nothing to do with fighting terrorism and everything to do with restricting Americans’ rights and liberties.”

Ostrolenk concluded, “I hope each and every Senator and Representative will read the Fourth Amendment of the Bill of Rights before they vote on the final report. If they do, I think they will take the right decision and vote down the final report.”